

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TREVOR JAMES SMITH,

Defendant.

NO. CR22-216-JHC

**PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") (Dkt. # 24) seeking to forfeit, to the United States, Defendant Trevor James Smith's interest in the following property ("Subject Property"):

- Samsung Galaxy Note 10 cell phone, serial number 352147110292862.

The Motion is unopposed. The Court, having reviewed the Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 18 U.S.C. § 2428, as property Defendant use to commit or facilitate commission of his *Attempted Enticement of a Minor* offense, in violation of 18 U.S.C. § 2242(b).

- Pursuant to the Plea Agreement Defendant entered on January 26, 2023, Defendant agreed to forfeit the Subject Property, which is forfeitable pursuant to 18 U.S.C. § 2428. Dkt. No. 19, ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 18 U.S.C. § 2428 and his Plea Agreement, Defendant's interest in the Subject Property is fully and finally forfeited, in its entirety, to the United States;
2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
3. The Department of Homeland Security Investigations, and/or its authorized agents or representatives, shall maintain the Subject Property in its custody and control until further order of this Court;
4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the Subject Property as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the Subject Property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than Defendant, who has or claims a legal interest in the Subject Property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:
  - a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property;

- 1           b. shall be signed by the petitioner under penalty of perjury; and,  
2           c. shall set forth the nature and extent of the petitioner's right, title, or  
3           interest in the Subject Property, as well as any facts supporting the  
4           petitioner's claim and the specific relief sought.


5           5. If no third-party petition is filed within the allowable time period, the  
6 United States shall have clear title to the Subject Property, and this Preliminary Order  
7 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

8           6. If a third-party petition is filed, upon a showing that discovery is necessary  
9 to resolve factual issues it presents, discovery may be conducted in accordance with the  
10 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
11 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
12 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
13 adjudication; and,

14           7. The Court will retain jurisdiction for the purpose of enforcing this  
15 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
16 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
17 Fed. R. Crim. P. 32.2(e).

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19           IT IS SO ORDERED.

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21           DATED this 7th day of April, 2023.

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26           JOHN H. CHUN  
27           UNITED STATES DISTRICT JUDGE